

**UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION**

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KEITH LEO WILLIAMSON,

Petitioner,

v.

Case No. 04-CV-74447-DT

RAYMOND BOOKER,

Respondent.

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**ORDER GRANTING RESPONDENT'S "MOTION TO TRANSFER"  
AND TRANSFERRING CASE TO THE UNITED STATES  
COURT OF APPEALS FOR THE SIXTH CIRCUIT**

Petitioner Keith Leo Williamson has filed a *pro se* petition for writ of habeas corpus pursuant to 28 U.S.C. § 2254 asserting that he is being held in violation of his constitutional rights. This matter is before the court on Respondent Raymond Booker's motion to transfer this case to the United States Court of Appeals for the Sixth Circuit as a second or successive habeas petition. For the reasons stated below, the court will grant the motion.

**I. BACKGROUND**

Petitioner pled guilty to second-degree murder and first-degree child abuse in Recorder's Court in the city of Detroit in 1989. Petitioner was sentenced to life imprisonment with the possibility of parole on the murder conviction and a concurrent term of 10 to 15 years imprisonment on the child abuse conviction.

After pursuing his direct appeals in the Michigan courts, Petitioner filed his first federal petition for writ of habeas corpus with this court in 1992. That petition was

dismissed without prejudice for failure to exhaust state court remedies. *Williamson v. Burt*, No. 92-CV-40531-FL (E.D. Mich. Oct. 25, 1993). Following the pursuit of additional state court remedies, Petitioner filed a second petition for writ of habeas corpus in the United States District Court for the Western District of Michigan in 2000, which was transferred to this court. That petition was subsequently dismissed with prejudice for failure to comply with the one-year statute of limitations applicable to federal habeas actions. *Williamson v. Smith*, No. 01-CV-70150-DT (E.D. Mich. Sept. 5, 2001). The United States Court of Appeals for the Sixth Circuit denied Petitioner's application for a certificate of appealability. *Williamson v. Smith*, No. 01-2405 (6th Cir. April 30, 2002).

Petitioner signed the present habeas petition on October 29, 2004 and it was filed on November 24, 2004. In his pleadings, Petitioner again challenges his 1989 convictions, asserting claims concerning his sentencing and the effectiveness of defense counsel. Respondent filed the instant motion to transfer on April 18, 2005.

## II. DISCUSSION

The Antiterrorism and Effective Death Penalty Act of 1996 ("AEDPA") amended 28 U.S.C. §§ 2244, 2253, and 2254 which governs habeas corpus proceedings in federal courts. These amendments changed the standards and procedures that federal courts must apply when faced with second or successive petitions for writs of habeas corpus.

An individual seeking to file a "second or successive" habeas petition must ask the appropriate court of appeals for an order directing the district court to consider the petition. See 28 U.S.C. § 2244(b)(3)(A); *Stewart v. Martinez-Villareal*, 523 U.S. 637,

641 (1998); *In re Wilson*, 142 F.3d 939, 940 (6th Cir. 1998). This requirement transfers to the court of appeals a screening function which the district court previously performed. See *Felker v. Turpin*, 518 U.S. 651, 664 (1996).

Petitioner has neither sought nor obtained appellate authorization to file a subsequent petition as required by 28 U.S.C. § 2244(b)(3)(A). His second federal habeas petition, which challenged the same 1989 convictions at issue in this case, was dismissed with prejudice by United States District Judge Nancy G. Edmunds in 2001 in Case No. 01-CV-70150-DT. Accordingly,

### **III. CONCLUSION**

IT IS ORDERED that Respondent's "Motion to Transfer" is GRANTED and this case is TRANSFERRED to the Sixth Circuit Court of Appeals for a determination of whether certification should issue.

s/Robert H. Cleland  
ROBERT H. CLELAND  
UNITED STATES DISTRICT JUDGE

Dated: April 25, 2005

I hereby certify that a copy of the foregoing document was mailed to counsel of record on this date, April 25, 2005, by electronic and/or ordinary mail.

s/Lisa G. Teets  
Case Manager and Deputy Clerk  
(313) 234-5522